

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-131 are in this case. Claims 12-14, 16-25, 35-37, 54-56, 72-74, 89-91, 97 and 99-116 have been withdrawn from further consideration as being drawn to non-elected species. Claims 5, 6, 9, 11, 28, 29, 32, 34, 40, 41, 46-48, 51, 53, 60, 65, 66, 69, 71, 76-88, 92 and 120-123 were previously canceled without prejudice.

Claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 have now been canceled without prejudice.

New claims 132-139 have now been added and are the only claims now pending in this case.

Previous Amendment - 35 U.S.C. § 112, First Paragraph Rejections

The Examiner has acknowledged that the specification is enabling for the following specific compounds: AN-130, AN-167, AN-168, AN-177, AN-178, AN-180, AN-179, AN-181, AN-187 and AN-216.

In accordance with the Examiner's acknowledgment and in the interest of expediting prosecution of this case, new claims 132-139 have been added, pertaining explicitly to perphenazine 4-aminobutyrate and trihydrochloride salts thereof, pharmaceutical compositions comprising same and use thereof in the treatment of schizophrenia.

The Examiner has also rejected claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 under 35 U.S.C. § 112, first paragraph, on the ground that the instant application does not reasonably provide enablement for other compounds, compositions and method of use and process of preparing the compounds as claimed herein and does not enable any skilled in the art to which it pertains or for which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. Claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 have now been canceled, without prejudice.

Applicant respectfully disagrees with the Examiner's assertion and further wishes to point out that he does not concede to the Examiner's rejections for the reasons of record. However, in the interest of expediting prosecution of this case, Applicant has elected at this

point in time to cancel these claims and to exercise the right to defer prosecution of claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 to a continuation application simply to have the present application allowed without further delays.

Previous Amendment - 35 U.S.C. § 112 Second Paragraph Rejections

The Examiner has rejected claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 under 35 U.S.C. § 112 second paragraph, on the ground that the phrase "a residue of a psychotropic drug" is indefinite since the term "residue" used in these claims is a broad term which does not define what else is attached to the psychotropic drug. The Examiner has also rejected claims 2, 44, 62, 94, 117 and 119 on the ground that the phrase "γ-aminobutyric acid residue" is indefinite since the term "residue" used in these claims is a broad term which does not define what else is attached to the γ-aminobutyric acid. The Examiner has also rejected claims 4, 27 and 64 on the ground that the phrase "anti-proliferative activity" is indefinite. The Examiner has also rejected claim 119 on the ground of being indefinite. The Examiner has also rejected claims 15, 38, 57, 75, 92 and 125 on the ground that the term "residue" used in these claims is a broad term which does not define what else is attached to the butyric acid, valeric acid, 4-phenylbutyric acid and 4-aminobutyric acid. Claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 have now been canceled without prejudice.

Applicant respectfully disagrees with the Examiner's assertions and wishes to point out that Applicant does not concede to the Examiner's rejections for the reasons of record. However, in the interest of expediting prosecution of this case, Applicant has elected at this point in time to cancel these claims and to exercise the right to defer prosecution of claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 to a continuation application simply to have the present application allowed without delay.

35 U.S.C. § 112, First Paragraph Rejections

The Examiner has acknowledged that the specification is enabling for the treatment of schizophrenia.

In accordance with the Examiner's acknowledgment and in the interest of expediting prosecution of this case, new claims 134 and 135 have been added, pertaining explicitly to a method of treating schizophrenia.

The Examiner has rejected claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119, 124-126 and 128-131 under 35 U.S.C. § 112, first paragraph, on the ground that the claimed subject matter was not described in the specification in such a way as to reasonably convey to one skilled in the art that the present inventors had possession of the claimed invention at the time the application was filed.

The Examiner has also rejected claims 58, 59, 61-64, 67, 68, 70 and 75 under 35 U.S.C. § 112, first paragraph, on the ground that these claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, since the specification does not reasonably provide enablement for treatment all of the claimed disorders. The Examiner has rejected claim 98 under 35 U.S.C. § 112, first paragraph, on the ground that the claimed subject matter was not described in the specification in such a way as to reasonably convey to one skilled in the art, or with which it is most nearly connected, to make and/or use the invention, since the term "acyl" is not described in the specification with respect to the genus. Claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 have now been canceled, without prejudice.

Applicant respectfully disagrees with the Examiner's assertion and further wishes to point out that Applicant does not concede to the Examiner's rejections for the reasons of record. However, in the interest of expediting prosecution of this case, Applicant has elected at this point in time to exercise the right to defer prosecution of claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 to a continuation application simply to have the present application allowed without further delays.

35 U.S.C. § 112, second paragraph rejections

The Examiner has rejected claims 126 and 128-131, under 35 U.S.C. § 112, second paragraph, as being vague and indefinite in that it is not known what is meant by perphenazine residue and that residue is a broad term, which does not define what else is attached to the perphenazine. Claims 126 and 128-131 have now been canceled without prejudice.

Applicant respectfully disagrees with the Examiner's assertion and further wishes to point out that he does not concede to the Examiner's rejections for the reasons of record. However, in the interest of expediting prosecution of this case, Applicant has elected at this point in time to exercise the right to defer prosecution of claims 126 and 128-131 to a continuation application simply to have the present application allowed without delay.

35 U.S.C. § 102(b) rejections

The Examiner has rejected claims 1-3, 7, 8, 10, 15, 26, 30, 31, 33, 38, 39, 42-45, 49, 50, 52, 57, 93-96, 98, 117-119, 124-126, 128, 130 and 131, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,914,528. The Examiner has also rejected claims 1-4, 7, 8, 10, 15, 26, 27, 30, 31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67, 68, 70, 75, 93-96, 98, 117-119, 124-126 and 128-131, under 35 U.S.C. § 102(b) as being anticipated by BG Patent No. 829,246. The Examiner has also rejected claims 1-3, 7, 8, 10, 15, 26, 30, 31, 33, 38, 39, 42-45, 49, 50, 52, 57, 93-96, 98, 117-119, 124-126, 128, 130 and 131, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,944,053. The Examiner has also rejected claims 1-3, 7, 8, 10, 15, 26, 30, 31, 33, 38, 39, 42-45, 49, 50, 52, 57, 93-96, 98, 117-119, 124-126, 128, 130 and 131, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,969,358. Claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 have now been canceled without prejudice.

Applicant wishes to point out that none of the above-cited references allegedly anticipates the particular compound AN-168. Thus, in the interest of expediting prosecution of this case, new claims 132-139 have been added, pertaining explicitly to perphenazine 4-aminobutyrate and trihydrochloride salts thereof, pharmaceutical compositions comprising same and use thereof.

Applicant further wishes to point out that Applicant respectfully disagrees with the Examiner's assertions and that Applicant does not concede to the Examiner's rejections for the reasons of record. However, in the interest of expediting prosecution of this case, Applicant has elected at this point in time to exercise the right to defer prosecution of claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 to a continuation application simply to have the present application allowed without delay.

35 U.S.C. § 103(a) rejection

The Examiner has rejected claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119, 124-126 and 128-131 under 35 U.S.C. § 103(a) as being unpatentable over GB 829,246. Claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 have now been canceled. New claims 132-139 have now been added.

Applicant wishes to point out that GB 829,246 does not encompass the particular compound. Applicant further wishes to point out that, in the interest of expediting prosecution of this case, new claims 132-139 have been added, pertaining explicitly to perphenazine 4-aminobutyrate and trihydrochloride salts thereof, pharmaceutical composition comprising same and use thereof.

Applicant further wishes to point out that he respectfully disagrees with the Examiner's assertions and that he does not concede to the Examiner's rejections for the reasons of record. However, in the interest of expediting prosecution of this case, Applicant has elected at this point in time to exercise the right to defer prosecution of claims 1-4, 7-8, 10, 15, 26-27, 30-31, 33, 38, 39, 42-45, 49, 50, 52, 57-59, 61-64, 67-68, 70, 75, 93-96, 98, 117-119 and 124-131 to a continuation application simply to have the present application allowed without delay.

Support for the subject matter of new claims 132-139

As stated above, the Examiner has acknowledged that the specification is enabling for AN-168, pharmaceutical composition comprising same and use thereof in the treatment of schizophrenia. Enabling support for perphenazine 4-aminobutyrate and trihydrochloride salts thereof can be found, *inter alia*, on page 5 paragraph [0062] and on page 16 paragraphs [0256] – [0267] of the instant application.

In view of the above amendments and remarks it is respectfully submitted that new claims 132-139 are now in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: December 3, 2007

Encl:

Additional Claim Transmittal Sheet